

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Civil Action No. 00-1827

Plaintiff,

Judge Cercone

v.

DAVID W. BUTLER,

Defendant.

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**JOINT STIPULATION ON THE BRIEFING SCHEDULE  
FOR DEFENDANT'S AMENDED EAJA PETITION**

WHEREAS David W. Butler ("Butler") has filed and served a timely petition (the "Petition") for reimbursement of attorneys' fees and costs of litigation arising from this action under the Equal Access to Justice Act ("EAJA"); and

WHEREAS Butler, subsequent to the filing of the Petition, has agreed to provide additional documentation to the United States Securities and Exchange Commission ("Commission") in support of the Petition which: a) provides the time records forming the basis for the attorneys' fees claims; b) demonstrates that such fees were actually incurred by Butler; and c) provides further evidence of Mr. Butler's net worth as of September 14, 2000; and

WHEREAS Butler wishes to correct certain inadvertent omissions from the Petition concerning the attorneys' fees and time billed in this matter;

1. The parties have agreed that Butler will file an Amended Petition which corrects these omissions, and provides the additional documentation set forth above.

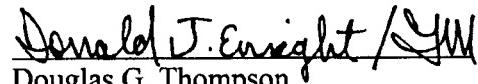
2. The parties have agreed that the Amended Petition shall not set forth any new substantive arguments in support of an EAJA recovery, but rather shall be confined to refining, documenting and/or correcting issues relating to the amount of attorneys' fees being sought, the billing records for Butler's claim for attorneys' fees, Butler's legal obligation to pay such fees, and his net worth at the time of the inception of this litigation.

3. The parties have agreed that the Commission shall have 30 days from the receipt of this Amended Petition to respond, and that the Commission waives any argument that the Amended Petition, or the claims for fees or costs contained therein, are untimely, provided that the Amended Petition refrains from asserting any new argument in support of an EAJA award. It is further agreed that Butler shall have 20 days to file a reply memorandum of law responding to any opposition filed by the Commission.

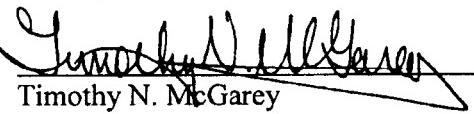
IT IS SO STIPULATED.

Dated: July 29, 2005

Respectfully submitted,

  
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IT IS SO ORDERED on this 8<sup>th</sup> day of August, 2005.



David S. Cercone  
United States District Judge